

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

---

**COMPLETE TITLE OF CASE**

EMMANUEL KENNEDY,

Appellant,

v.

DIVISION OF EMPLOYMENT SECURITY,

Respondent.

---

**DOCKET NUMBER WD77432**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** November 25, 2014

---

**APPEAL FROM**

The Labor and Industrial Relations Commission

---

**JUDGES**

Division Three: Mitchell, P.J., and Martin and Witt, JJ.

CONCURRING.

---

**ATTORNEYS**

Emmanuel Pradis Kennedy  
Kansas City, MO

Appellant, *pro se*,

Chris Miller  
Jefferson City, MO

Attorney for Respondent.

---



## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

EMMANUEL KENNEDY,

Appellant,

v.

DIVISION OF EMPLOYMENT  
SECURITY,

Respondent.

OPINION FILED:  
November 25, 2014

WD77432

Labor and Industrial Relations Commission

Before Division Three Judges:

Karen King Mitchell, Presiding Judge, and Cynthia L. Martin and Gary D. Witt, Judges

Emmanuel Kennedy appeals from the Labor and Industrial Relations Commission's determination that he is not entitled to unemployment benefits after being terminated from employment when he missed work due to incarceration. Because Kennedy has preserved nothing for appellate review, we dismiss the appeal.

**APPEAL DISMISSED.**

**Division Three holds:**

1. A claimant for unemployment benefits is disqualified from receiving unemployment benefits if the claimant "has left work voluntarily without good cause attributable to such work or to the claimant's employer," *or* "has been discharged for misconduct connected with the claimant's work[.]" § 288.050.1(1), .2.
2. While a Division deputy initially determined that Kennedy voluntarily quit, that determination was modified by the appeals tribunal following a hearing. The appeals tribunal determined that Kennedy had been terminated from employment due to misconduct. The Commission affirmed the appeals tribunal's decision and adopted it as the decision of the Commission.

3. On appeal, Kennedy only argues that he did not leave work voluntarily, and does not address the basis for the Commission's disqualification—that he was discharged for misconduct. Having failed to challenge the ground upon which the Commission disqualified him, Kennedy has preserved nothing for this Court to review.

**Opinion by: Karen King Mitchell, Presiding Judge**

November 25, 2014

\* \* \* \* \*

THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.